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DEC 17 2003

OFFICIAL

HERBERT R. BURNHAM
2252 Boulder Creek Street
Chula Vista, CA 91915

December 16, 2003

Re: Notice of Non-Compliant
Amendment of 11-17-03
LIE: D. Liles
Pat. Appln. #09/846,229

U.S. PATENT OFFICE
Washington, D.C.
Fax #(703) 872-9306

This is in response to the above-identified Notice of Non-Compliant Amendment.

Applicant tried to clarify the requirements in this Notice by calling the phone number listed therein, leaving two messages. No response was obtained.

Applicant has previously canceled claims 1-4 and proposed new claims 5-7 where (New) Claim 5 became the main claim with dependent (New) Claims 6 and 7.

In this response I now re-number these remaining claims in ascending numerical order as (New) Claim 1 and (New) dependent Claims 2 and 3 as required in 4.E and 4.D. of this Notice. Please see enclosure.

Enclosed please also find a Credit Card Payment Form authorizing payment of up to \$500 US Cy. to comply with 4.E. of your Notice.

Respectfully Submitted,



Herbert R. Burnham

Enclosures

12/19/2003 MGBREM: 00000001 09846229

01 FC:1201
02 FC:1202

86.00 OP
414.00 OP



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 145
ALEXANDRIA, VA 22313-145
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 9-22-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: 1-4 cancel needs to first then ascending order & needs sufficient funds for credit card

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE) and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

W. J. Filer
Legal Instruments Examiner (LIE)

703-306-3080
Telephone No.